

# **EXHIBIT A**

**In The Matter Of:**

*Juice Entertainment, et al v.  
Live Nation Entertainment*

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*John DiMatteo  
July 17, 2013*

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*Rizman Rappaport Dillon & Rose  
66 W. Mt. Pleasant Ave.  
Livingston, N.J. 07039  
(973) 992-7650*

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1 Q. Have you dealt with William Morris  
2 other than in connection with this event?  
3 A. Yes.  
4 Q. For how long have you been dealing  
5 with William Morris?  
6 A. Since they started the electronic  
7 division.  
8 Q. When was that?  
9 A. I don't remember. It could be looked  
10 up. When they started the electronic division is  
11 when I started with them.  
12 Q. So these events took place --  
13 A. It might have been in 2008, early 2008  
14 I think. Don't quote me on that. You can look it  
15 up and see exactly.  
16 Q. Who have you dealt with in connection  
17 with the --  
18 A. With this event?  
19 Q. Just generally at William Morris?  
20 A. Generally at William Morris?  
21 Q. Yes.  
22 A. Names of people I deal with there are  
23 Joel Zimmerman, Samantha Kirby, Alex Chakin, Peter  
24 Wiederleit. Prior to this date, right? You are  
25 talking about who did I deal with, William Morris

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1 from 2011 and prior?  
2 Q. Sure. Yes.  
3 A. Okay. Yeah, that pretty much sums it  
4 up.  
5 Q. And how about since then?  
6 A. Since then the names mentioned, in  
7 addition to the names mentioned, since then Connor  
8 Sheldon, Jonas Shoeman, Connor Sheldon, Jonas  
9 Shoeman, Mike Berkowitz, Ryan King. That about does  
10 it.  
11 Q. Who from William Morris did you deal  
12 with in connection with this event?  
13 A. Alex Chakin, Samantha Kirby, Pete  
14 Wiederleit.  
15 Q. What about Joel Zimmerman?  
16 A. Yes. Joel Zimmerman, yes.  
17 Q. Can you explain to me, if you know,  
18 the relationship between those folks at William  
19 Morris to each other? In other words, is one of  
20 them the boss and the others not? Can you explain  
21 that to me?  
22 A. Yes. I can.  
23 Q. All right.  
24 A. Joel Zimmerman is the head of the  
25 electronic department. Amanda Kirby is a senior

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1 agent. Alex Chakin works under both of them. Pete  
2 Wiederleit runs the northeast territory, works under  
3 them. Joel is the head of the electronic  
4 department.  
5 Q. Okay. And how were the four of them  
6 involved in connection with this event?  
7 A. I spoke with Joel about The Event. I  
8 had a meeting at their office with Sam Kirby, Alex  
9 Chakin and I believe Pete Wiederleit was there and  
10 we spoke about The Event.  
11 Q. Do you recall when that meeting was?  
12 A. First quarter of 2011 is as close as I  
13 can get to it.  
14 Q. Where was the meeting?  
15 A. At the William Morris office, 6th  
16 Avenue.  
17 Q. In New York?  
18 A. In New York.  
19 Q. How long did the meeting last?  
20 A. Maybe an hour, estimating an hour.  
21 Vito Bruno was with me.  
22 Q. So the participants were you and  
23 Mr. Bruno from Area?  
24 A. Right.  
25 Q. And the William Morris participants

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1 you identified?  
2 A. Yup.  
3 Q. Did you record that meeting?  
4 A. No.  
5 Q. Do you know whether anybody else did?  
6 A. I don't know.  
7 Q. Did you take notes?  
8 A. No.  
9 Q. Do you know whether anybody else did?  
10 A. I don't remember.  
11 Q. Do you remember the meeting?  
12 A. Somewhat.  
13 Q. Tell me what you remember.  
14 A. They asked what we were doing. We  
15 told them we were doing a festival at the  
16 Meadowlands State Fair. They asked what the name of  
17 it was. We didn't have one yet. They asked if the  
18 venue was confirmed and if we had a confirmed deal  
19 with the venue. I said "yes." And then we  
20 discussed different potential options for talent.  
21 Q. How did the meeting come about?  
22 A. Through Joel. I spoke to Joel first  
23 about The Event and he had set up a meeting.  
24 Q. How did you wind up reaching out to  
25 Joel about The Event?

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1 A. How did I reach out what does that  
2 mean?  
3 Q. What made you call Joel?  
4 A. Because he represents a great deal of  
5 talent. William Morris represents a great deal of  
6 talent. The first or second largest agency in North  
7 America for this genre of music so that's why we  
8 choose them to book artists.  
9 Q. What else can you tell me about that  
10 meeting at William Morris?  
11 A. It was at night. I don't remember  
12 much else except for the time of day.  
13 Q. Did you have any other in-person  
14 meetings with Joel Zimmerman about this event?  
15 A. No. We spoke about it on the phone  
16 though.  
17 Q. How many times did you speak with him  
18 on the phone about it?  
19 A. I don't know exactly.  
20 Q. Did Mr. Zimmerman tell you at that  
21 meeting that William Morris wanted to be the wind  
22 behind your sails for this project?  
23 A. No, not at that meeting. Joel wasn't  
24 at the meeting.  
25 Q. Joel was not at the meeting?

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1 A. No.  
2 Q. Did anybody from William Morris tell  
3 you that William Morris wanted to be the wind behind  
4 your sails?  
5 A. Joel and I, in our initial  
6 conversation, had asked me to send over the budget.  
7 He said because William Morris gets involved in  
8 certain festivals and it is something that Mark  
9 Geiger from William Morris heads up and he  
10 potentially wanted to get involved in this festival  
11 as a partnership.  
12 Q. Did he use the phrase "wind behind  
13 your sails" during that?  
14 A. I don't remember.  
15 Q. Have you ever heard that phrase before  
16 being used by someone at William Morris in  
17 connection with this event?  
18 A. I don't remember.  
19 Q. Have you ever heard anybody use that  
20 phrase in connection with anything that you've been  
21 involved in?  
22 A. I don't remember. Wind beneath my  
23 sails.  
24 Q. Wind behind your sails?  
25 A. I don't know.

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1 Q. Anything with wind and sails?  
2 A. No.  
3 Q. Do you think that's the kind of thing  
4 you would remember?  
5 A. No, I don't. It is a phrase. It is a  
6 cliché. I'm on the phone all the time. I don't  
7 remember each cliché that people tell me.  
8 Q. Do you recall ever telling Mr. Barrett  
9 or Mr. Dorfman that somebody at William Morris said  
10 that William Morris wanted to be the wind behind  
11 your sails in connection with this event?  
12 A. I told them -- I can't confirm or deny  
13 that I've used that phrase, but I did explain to  
14 them the nature of the call I had with Joel  
15 Zimmerman.  
16 Q. What did you explain to them?  
17 A. Just like I did with you. They wanted  
18 to get involved in the potential partnership and  
19 they get involved in festivals and so forth.  
20 MR. MERINGOLO: Can we take a break?  
21 MR. MARX: Yes.  
22 (There was a brief recess taken.)  
23 MR. MARX: Back on the record.  
24 Q. I am going to hand the witness the  
25 next two exhibits. Exhibit Dimatteo-5 is a one-page

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1 document with Bates number Juice 2208.  
2 (Exhibit Dimatteo-5 was marked for  
3 identification.)  
4 MR. MARX: Dimatteo-6 is a multiple  
5 page document bearing bates numbers Juice 2187  
6 through 2192.  
7 (Exhibit Dimatteo-6 was marked for  
8 identification.)  
9 Q. I am going to hand them to the witness  
10 and ask that he look at them and then I will ask  
11 some questions.  
12 Also please mark Dimatteo-7.  
13 (Exhibit Dimatteo-7 was marked for  
14 identification.)  
15 MR. MARX: I'm also going to hand  
16 Mr. Dimatteo what we've marked as Dimatteo-7, a  
17 two-page document bearing Juice 4130 to 4131.  
18 Q. Have you had a chance to review  
19 Exhibits Dimatteo-5, Dimatteo-6 and Dimatteo-7?  
20 A. Yes.  
21 Q. Can you turn to Exhibit 5, please?  
22 A. Yes.  
23 Q. That's an e-mail, looks like it is  
24 from you to Vito Bruno with copies to Alan Sacks,  
25 Chris Barrett, Brian Arteca?

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1 concerning payment?

2 A. For the New Years show we owed Live

3 Nation some money that we took a little while to get

4 to them but we got it to them.

5 Q. That was New Years Eve 2010?

6 A. Yes.

7 Q. Did that involve something called

8 Newyarseve.com?

9 A. No.

10 Q. That's something --

11 A. I don't know what.

12 Q. You don't know what that is?

13 A. No.

14 Q. I obviously don't know what that is

15 either.

16 A. That makes two of us.

17 Q. What was the nature of the New Years

18 Eve issue from 2010?

19 A. When we settled the show we had some

20 money in our account that we owed them. I wouldn't

21 call it an issue. We just took a little longer to

22 get to it them than we should have but we got it to

23 them.

24 Q. How much money?

25 A. A little over \$100,000.

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1 Q. When do you recall getting them the

2 money?

3 A. I don't remember.

4 Q. Okay.

5 A. Maybe a couple months after the show.

6 Q. Do you recall it being a contentious

7 situation between you and Live Nation?

8 A. Contentious?

9 Q. Yes.

10 A. No, not really.

11 Q. When was the last time you spoke to

12 Mr. Barrett or Mr. Dorfman?

13 A. Last year, when they told me about

14 this.

15 Q. Did you meet with their lawyers?

16 A. No.

17 Q. Did they ask you to provide them with

18 a sworn statement?

19 A. No.

20 Q. Did they ask you to provide them with

21 any documents or other evidence?

22 A. No.

23 Q. Did they instruct you that you should

24 preserve any of your evidence related to this

25 matter?

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1 A. I don't remember.

2 Q. You've already told me everything you

3 can recall about the conversation you had with this

4 lawsuit with Mr. Dorfman and Mr. Barrett?

5 A. Correct.

6 Q. I think you mentioned that you are

7 doing business under the name of Area Events but

8 that's not the actual name of the company?

9 A. Currently.

10 Q. What's the current name of the

11 company?

12 A. We have six companies.

13 Q. Okay.

14 A. There's a parent company called

15 Electronic Music Enterprises. And then there's five

16 subsidiaries. It is a bunch.

17 Q. Is Mr. Bruno involved in any of those?

18 A. No, no.

19 Q. Since when have you and Mr. Bruno not

20 been doing business?

21 A. April 2011.

22 Q. Why are you no longer doing business?

23 A. It just wasn't working out.

24 Q. Was there any event that caused that

25 to happen?

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1 A. No.

2 Q. Was it related to this event in any

3 way?

4 A. Not to my knowledge.

5 Q. Who made the decision to separate the

6 relationship?

7 A. I did.

8 Q. Is the separation a subject of

9 litigation between you and Mr. Bruno?

10 A. No.

11 MR. MARX: I am going to check my

12 notes, confer with my colleague. My guess is I've

13 got no further questions.

14 (There was a brief recess taken.)

15 AMY WALKER WAGNER: For the record,

16 please send a copy of the deposition transcript to

17 the attention of Amy Wagner at Stone & Magnanini in

18 Short Hills, New Jersey.

19

20 (Whereupon, Ms. Wagner hangs up and

21 leaves the deposition.)

22

23 MR. MARX: No further questions.

24

25

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1 Q. What do you think you meant when you  
2 said "They are just making shit up?"  
3 A. I don't know. I don't know what it  
4 was in regards to specifically.  
5 Q. If we go further down the page, two  
6 from the bottom, and I'll read it. This time you  
7 are speaking. Dimatteo is speaking. It says "The  
8 fucking Meadowlands, dude. You want to do Governors  
9 fucking Island or do you want to do the fucking  
10 Meadowlands, I tried several times."  
11 It seems to me that what you are  
12 saying to me there is that it is implausible that  
13 Steve Angelo would be disinterested in playing at  
14 the Meadowlands. Is that a fair characterization of  
15 what you were saying?  
16 A. That sounds right for that statement,  
17 yes.  
18 Q. And you compare it in that paragraph  
19 to Governors Island. I'm not aware of what that is.  
20 What I take you to mean is that the Meadowlands is a  
21 more attractive venue than playing Governors Island?  
22 A. In some cases, yes.  
23 Q. If you will turn to page 16.  
24 A. Okay.  
25 Q. I am going to read it in the record,

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1 if you will follow along with me. Second speaker  
2 from the top is Thomas Dorfman. He says:  
3 DORFMAN: "They jump into everything.  
4 You saw it. You had all of the talent set up."  
5 And then Dimatteo responds:  
6 DIMATTEO: "Tiesto confirmed it to  
7 Kelly."  
8 Barrett says:  
9 BARRETT: "Confirm" then (inaudible).  
10 Dimatteo says:  
11 DIMATTEO: "Without saying it. He said  
12 to Kelly -- Kelly goes, you know he said it again"  
13 (inaudible) "goes you really fucked us this time"  
14 (inaudible) "I got to ask you something. He goes  
15 did Live Nation interfere? He just went --"  
16 And then Dorfman says:  
17 DORFMAN: "He shook his head up and  
18 down?"  
19 Dimatteo says:  
20 DIMATTEO: "Yeah. Shook his head up  
21 and down, didn't say a word. He just went like --  
22 this" (inaudible) doing the face like this like."  
23 Dorfman says:  
24 DORFMAN: "He didn't want to say it."  
25 Dimatteo says:

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1 DIMATTEO: "Yeah."  
2 Can you explain what that exchange  
3 refers to?  
4 A. I'm not sure.  
5 Q. Where it says "He said to Kelly" is  
6 that Kelly Cobb?  
7 A. Yes.  
8 Q. In that fifth paragraph down from the  
9 top you say "He said to Kelly" are you referring to  
10 Tiesto when you said "he?"  
11 A. I don't know. I don't know.  
12 Q. But two paragraphs up you say "Tiesto  
13 confirmed it to Kelly." Is that correct?  
14 A. Correct.  
15 Q. My understanding of this exchange, an  
16 you just correct me if I'm wrong, is that Tiesto,  
17 without speaking, but simply by shaking his head up  
18 and down, confirms to Kelly Cobb that Live Nation  
19 interfered with the opportunity to play at this  
20 event. Is that a fair reading of this?  
21 A. I guess you can say it is fair. I  
22 don't remember exactly.  
23 Q. You don't remember today saying it?  
24 A. Right.  
25 Q. But what I'm asking you is, now that

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1 you've read it and refreshed your memory --  
2 A. Based on what you are saying, sure.  
3 Q. My paraphrase of it is a fair  
4 construction of it, correct?  
5 A. Sure.  
6 Q. Apart from the fact that I've given it  
7 a fair reconstruction, is it your testimony today  
8 that you don't remember this conversation?  
9 A. I don't remember this conversation.  
10 Q. You don't remember telling Barrett and  
11 Dorfman but do you remember -- well, let me ask you  
12 this.  
13 Were you present when Kelly Cobb had  
14 this exchange with Tiesto?  
15 A. Definitely not.  
16 Q. When do you think it might have  
17 happened?  
18 A. I don't know. He's with the guy 24-7.  
19 It could be any time.  
20 Q. At time period of these events Kelly  
21 Cobb would have had almost constant access to  
22 Tiesto?  
23 A. Yes.  
24 Q. In order for you to relate this to my  
25 clients, Kelly must have told you. Is that correct?



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1 A. I don't know. I think so. According  
2 to what's written here, sure.  
3 Q. If you will turn to page 18.  
4 A. 18, okay.  
5 Q. Five paragraphs from the top you are  
6 the speaker. I am going to read it into the record  
7 "Oh he told me. He goes yeah. They weren't going  
8 to do anything anyway. I mean, they weren't even  
9 looking at it. They don't need it. They have 100  
10 other venues that they can't even fill up. So  
11 what's the big deal? They were more upset about  
12 somebody else like you might" and then it says  
13 "inaudible."  
14 In that paragraph were you telling my  
15 clients that it was your perception that Live Nation  
16 was upset that somebody other than Live Nation would  
17 produce The Event at the Meadowlands?  
18 A. I guess so. I mean --  
19 Q. That's, again -- that's a fair reading  
20 of what it says, correct?  
21 A. I don't really know. I don't remember  
22 saying this.  
23 Q. If you go to the fourth paragraph from  
24 the top.  
25 A. Fourth? What does it start with?

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1 Q. Fourth from the top "Dorfman."  
2 A. Right.  
3 Q. "They really got them because Vito is  
4 -- Jason said -- kicked you guys out."  
5 A. Yes.  
6 Q. So in the next paragraph when you say  
7 "They were more upset" were you referring to Jason  
8 Miller?  
9 A. I can't confirm or deny that. I  
10 honestly don't know.  
11 Q. As you sit here now reading this can  
12 you think of anyone else you were referring to when  
13 you said that?  
14 A. I really don't know. I really don't  
15 know.  
16 Q. If you go roughly to the middle of the  
17 page you are the speaker. The paragraph starts  
18 "we're just assuming."  
19 A. Right. "Just the whole way they  
20 played it and threatening every DJ from here, here  
21 and here. I have never experienced roadblocks like  
22 that in my life. It was unreal. Vito says all the  
23 time, it was the fact that Steve Angelo will do  
24 other things but not that space and that's the  
25 better space."

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1 Now, again, in that paragraph were you  
2 referring to Live Nation when you said "threatening  
3 DJ's"?  
4 A. "Just the whole way they played it,  
5 threatening every DJ from here, here and here" I  
6 don't know. Probably.  
7 Q. Probably?  
8 A. Yes. Reading this is confusing me  
9 more than not reading it.  
10 Q. What's confusing about it?  
11 A. I just don't remember a lot of the  
12 things. You know what I am saying?  
13 Q. I want to draw a distinction between  
14 not remembering and whether or not the reading I'm  
15 giving to it is plausible.  
16 MR. MERINGOLO: Can we just clarify  
17 one thing for Mr. Dimatteo, where it says inaudible  
18 that's not the word?  
19 THE WITNESS: It means they can't  
20 understand the tape.  
21 MR. MERINGOLO: It could be something  
22 else.  
23 THE WITNESS: Right.  
24 Q. I understand that today you may not  
25 recall saying these things. What I'm asking you is

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1 now that you've read it can you think of anyone  
2 other than Live Nation you were referring to in that  
3 paragraph?  
4 A. I mean, it could be agents. It could  
5 be -- I don't know. It could be other promoters.  
6 I'm not 100 per sure.  
7 Q. When you say "they have 100 other  
8 venues."  
9 A. That has to be --  
10 Q. Live Nation, right?  
11 A. Yes, sure.  
12 Q. Okay. Go to page 20. If you go to  
13 the fourth paragraph down from the top, you are the  
14 speaker.  
15 A. Okay.  
16 Q. It starts with the word "vicious."  
17 A. Right.  
18 Q. "Vicious. He was being like -- he was  
19 the one that was really angry about it because he's  
20 like Jersey end of Live Nation and he was the one  
21 that was really going."  
22 Were you talking about John  
23 De Esposito when you said that?  
24 A. It sounds that way.  
25 Q. What did you mean when you said "he

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1 A. Well, it is realistic that a promoter  
2 of that size can influence talent from playing with  
3 competitive competition, competitive buyers,  
4 promoters.

5 MR. SIEGEL: I don't think I have any  
6 more questions.

7 MR. MERINGOLO: I have no cross.  
8 Thank you.

9  
10 (The Deposition of JOHN DIMATTEO was  
11 concluded at 3:54 p.m.)  
12  
13  
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1 CERTIFICATE OF OFFICER  
2  
3

4 I, DONNA KELLS, a Certified Court  
5 Reporter and a Notary Public of the State of New  
6 Jersey, do hereby certify that prior to the  
7 commencement of the examination the witness was duly  
8 sworn by me.

9 I DO FURTHER CERTIFY that the  
10 following is a true and accurate transcript of the  
11 testimony as taken stenographically by and before me  
12 at the date, time and place aforementioned.

13 I DO FURTHER CERTIFY that I am neither  
14 a relative nor employee, nor attorney or counsel to  
15 any parties involved; that I am neither related to  
16 nor employed by any such attorney or counsel, and  
17 that I am not financially interested in the action.  
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